

# EXHIBIT A



1  
2      Entered on Docket  
3      November 25, 2009  
4

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

5      **LEWIS AND ROCA LLP**

6      Rob Charles (NV 6593)  
7      John Hinderaker (AZ 018024)  
8      3993 Howard Hughes Parkway, Ste. 600  
9      Las Vegas, Nevada 89169-5996  
10     Telephone (702) 949-8320  
11     Facsimile (702) 949-8321  
12     Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
13     [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

14     Attorneys for USACM Liquidating Trust

15      **UNITED STATES BANKRUPTCY COURT**

16      **DISTRICT OF NEVADA**

17     In re:

18     USA COMMERCIAL MORTGAGE COMPANY,

19     USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

20     USA CAPITAL DIVERSIFIED TRUST DEED  
21     FUND, LLC,

22     USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

23     USA SECURITIES, LLC,<sup>3</sup>

24     Debtors.

25     **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR<sup>1</sup>  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR<sup>2</sup>  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

26     **CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

27     **ORDER SUSTAINING SECOND  
28     OMNIBUS OBJECTION OF USACM  
29     TRUST TO PROOFS OF CLAIM BASED  
30     IN WHOLE OR IN PART UPON  
31     INVESTMENT IN THE SHAMROCK  
32     TOWER LP LOAN**

33     Hearing Date: November 13, 2009  
34     Hearing Time. 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1       The Court having considered the Second Omnibus Objection Of USACM Trust To  
2 Proofs Of Claim Based In Whole Or In Part Upon Investment In The Shamrock Tower LP  
3 Loan [DE 7631] (the “Objection”); the Court having heard the Objection on November 13,  
4 2009; appropriate notice of the Objection having been given; no response to the Objection  
5 having been filed; and good cause appearing:

6       **IT IS ORDERED:**

7       1.       The Objection [DE 7631] is sustained; and  
8       2.       The claims listed on **Exhibit A** attached are disallowed to the extent they are  
9 based upon a direct lender investment in the Shamrock Tower LP Loan.

10      PREPARED AND RESPECTFULLY SUBMITTED BY:

11      **LEWIS AND ROCA LLP**

12      By /s/ John Hinderaker (018024)  
13            Rob Charles  
14            John Hinderaker (*pro hac vice*)

15      *Attorneys for USACM Liquidating Trust*

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed  
4 in this case.

5  I have delivered a copy of this proposed order to all counsel who appeared at the  
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee  
7 appointed in this case, and each has approved or disapproved the order, or failed  
to respond, as indicated below (list each party and whether the party has  
approved, disapproved, or failed to respond to the document):

8 U.S. Trustee:	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19 Rob Charles

20 John Hinderaker (*pro hac vice*)

21 Attorneys for USACM Liquidating Trust

22

23

24

25

26

**SHAMROCK LOAN**  
**SECOND OMNIBUS OBJECTION**

**Exhibit A**  
**Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Shamrock Tower LP Loan</b>
10725-02059	Jack R. Clark and Linda C. Reid Jt Ten	9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	\$1,782,032.06	\$100,000.00
10725-02202	Marguerite Falkenborg 2000 Trust Dtd 6/20/00	c/o Marguerite Falkenborg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	\$794,366.81	\$122,256.24
10725-01917	Farrah Family Trust	Joseph Farrah Trustee 1410 Murchison Dr Millbrae, CA 94030	\$5,667.12	\$4,642.72
10725-01212	Jay E. Henman Retirement Plan	c/o Jay E. Henman Trustee 1023 Ridgeview Ct Carson City, NV 89705-8054	\$747,243.00	\$75,000.00
10725-02048	Edward O. High	1413 Pelican Bay Trail Winter Park, FL 32792	\$403,994.76	\$100,000.00
10725-01632	Charles E. and Janet P. Johnson Jt Ten	17 Front St Palm Coast, FL 32137-1453	Contingent and Unliquidated	Unknown
10725-01660	Robert J. and Ruth Ann Kehl	Janet L. Chubb, Esq Jones Vargas P.O. Box 281 Reno, NV 89504-0281	\$12,841,680.13	\$500,000.00
10725-02051	Carol Mortensen Family Trust Dtd 9/9/90	c/o Carol Mortense Ttee 4847 Damon Cir Salt Lake City, UT 84117	\$345,750.98	\$100,000.00
10725-02121	Olga O'Buch Trust Dtd 5/28/98	Olga O'Buch Ttee 140 Gazelle Rd Reno, NV 89511	\$507,403.52	\$100,000.00
10725-01901	Charles and Mary Parker	14470 Emerald Path Apple Valley, MN 55124	\$236,840.31	\$57,058.65